



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2015 Wisconsin Act 37
[2015 Senate Bill 121]

Various Election Law Changes

2015 Wisconsin Act 37 makes changes relating to write-in votes, municipal boards of canvassers, direct legislation, use of stickers on ballots, school referenda, and town or village caucuses.

WRITE-IN VOTES

Under **Wisconsin law**, write-in votes are only counted if no candidates have been certified to appear on the election ballot or if a candidate certified to appear on the ballot dies or withdraws before the election. In addition, write-in votes are counted for a candidate who files a registration statement under campaign finance law. **Prior law** did not require a registration statement to be filed by a specific deadline in order for write-in votes to be counted.

The **Act** specifies a date by which a registration statement must be filed for a write-in candidate. Specifically, the Act requires a write-in candidate to file a registration statement no later than noon on the Friday immediately preceding the election, in order for write-in votes for that candidate to be counted.

MUNICIPAL BOARD OF CANVASSERS

Under **Wisconsin law**, a municipal board of canvassers must reconvene no later than 9 a.m. on the Monday after the election to count valid provisional and late-arriving absentee ballots, if any elector cast a provisional ballot or if the municipal clerk received any late-arriving absentee ballots.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

The **Act** provides that a municipal board of canvassers need not reconvene if the municipal clerk certifies that he or she has received no provisional or absentee ballots between the time of the board's initial canvass and 4 p.m. on the Friday after the election.

DIRECT LEGISLATION

Under **prior law**, as generally unchanged by the Act, if a common council or village board does not pass an ordinance or resolution that arose from a direct legislation petition, it must submit the ordinance or resolution to the electors at the next spring or general election, if the election is more than six weeks after the date of the council's or board's action on the petition, or the expiration of the 30-day period in the statute, whichever occurs first. If there are six weeks or less before the election, the ordinance or resolution must be voted on at the next election thereafter.

The **Act** changes "6 weeks" to "70 days" in this provision. The 70-day period is consistent with a statutory requirement to file a referendum no later than 70 days prior to the election at which the referendum will be considered.

USE OF STICKERS ON BALLOTS

Prior law contained statutory language that allowed stickers to be affixed to election ballots.

The **Act** deletes statutory language relating to the affixing of stickers to election ballots.

SCHOOL REFERENDUM

Under **Wisconsin law**, if a school board election is held in conjunction with a state, county, municipal, or judicial election, the polling places for the state, county, municipal, or judicial election are the polling places for the school board election and the municipal election hours apply. If no state, county, municipal, or judicial election is held on the day of the school board election, the school board may select the polling places to be used, subject to certain requirements.

The **Act** applies these provisions to school district referenda.

Under **prior law**, as generally unchanged by the Act, after a school board has adopted a resolution relating to the issuance of bonds, the school board must: (1) direct the school district clerk to call a special election for the purpose of submitting the resolution to the electors for approval or rejection; or (2) direct that the resolution be submitted at the next regularly scheduled primary or election to be held not earlier than 45 days after the adoption of the resolution.

The **Act** changes "45 days" to "70 days" in this provision. The 70-day period is consistent with a statutory requirement to file a referendum no later than 70 days prior to the election at which the referendum will be considered.

TOWN OR VILLAGE CAUCUS

Under **prior law**, if a town or village used a caucus procedure to nominate candidates for town or village elected offices, the caucus was held between the first Tuesday and last Tuesday in January.

The **Act** requires such caucuses to be held between January 2 and January 21.

Effective date: July 3, 2015

Prepared by: Jessica Karls-Ruplinger, Deputy Director

July 9, 2015

JKR:mcm;ty